

## **MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Del Monte Park – Phase II

**PROJECT FILE NUMBER:** PP16-023

**PROJECT DESCRIPTION:** Redevelopment of a 3.99-acre site adjacent to the existing Del Monte Park (Phase I), that would install two synthetic turf soccer fields and associated athletic field lighting. Additional improvements include: connections to existing Phase I project site, a jogging path; sidewalk and curb and gutter replacement; a perimeter chain link fence; parking and street lighting; on-street parking; street trees and landscaping; irrigation system; a trash enclosure, and up to six new light standards.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** The project site is located in the Midtown area of San Jose bounded by Auzerai Avenue to the north, Sunol Street to the west, and West Home Street to the south. The Assessor's Parcel Numbers (APNs) are 264-11-069 and 264-11-084 on the Santa Clara County Assessor's Parcel Map.

**COUNCIL DISTRICT:** 6

**APPLICANT CONTACT INFORMATION:** Mike Pruitt, City of San Jose Department of Public Works, 200 East Santa Clara Street 6<sup>th</sup> Floor, San Jose, CA 95113

### **FINDING:**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- I. AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. AIR QUALITY.** The use of various diesel-powered vehicles and equipment during project construction could expose adjacent sensitive receptors to substantial TAC concentrations.

**Mitigation Measure AIR-1:** Grading equipment used onsite for more than two days shall meet Tier 2 emission standards.

- IV. BIOLOGICAL RESOURCES.** Construction of the project could result in impacts to nesting migratory birds.

**Mitigation Measure BIO-1.1:** Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, tree removal and/or pruning shall be completed before the start of nesting season to help preclude nesting. The nesting season for more birds and raptors in the San Francisco Bay area extends from February 1 through August 31.

**Mitigation Measure BIO-1.2:** If it is not possible to schedule construction activities between September 1 and January 31, a qualified ornithologist shall be contracted to conduct a preconstruction survey for nesting raptors and other migratory breeding birds within onsite trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. Between February 1 and April 30, pre-construction survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.

If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

**Mitigation Measure BIO-1.3:** If an active nest is found within or adjacent to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 300 feet for raptors and 100 feet for non-raptors) to be established around the nest to ensure that no nests of species protected by the Federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until the ornithologist has determined that the nest is no longer active.

- V. CULTURAL RESOURCES.** The project will not have a significant impact to cultural resources, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.



- VII. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. HAZARDS AND HAZARDOUS MATERIALS.** The project will not have a significant impact due to hazards and hazardous materials, therefore no mitigation is required.
- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** The project will not have a significant noise impact, therefore no mitigation is required.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.
- XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **May 25<sup>th</sup>** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Harry Freitas, Director  
Planning, Building and Code Enforcement

  
Deputy

Circulation period, from May 5, 2016 to May 25, 2016